

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARVIN HARRIS,

Plaintiff,

v.

BRYAN D. PHILLIPS, et al.,

Defendants.

No. 1:23-cv-01343 JLT GSA (PC)

**ORDER DISMISSING CASE FOR FAILURE
TO PAY FILING FEE**

(Doc. 7)

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 6, 2023, the Court ordered Plaintiff, a three strikes litigant within the meaning of 28 U.S.C. § 1915(g), to pay the filing fee in full prior to proceeding any further with this action. (*See* Docs. 4, 7 (findings and recommendations; order adopting same, respectively).) At that time, Plaintiff was given thirty days to pay the fee, and he was cautioned that failure to comply with the Court's order would result in the dismissal of this action. (*See* Doc. 7 at 2-3.)

On October 18, 2023, the Court's order was returned to it as "undeliverable." Despite this fact, Plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 Given these facts, Plaintiff may not proceed with this matter. Instead, the case must be
2 dismissed without prejudice.

3 Accordingly, **IT IS HEREBY ORDERED** that:

- 4 1. Considering Plaintiff's failure to pay the filing fee, this case is **DISMISSED**
5 without prejudice. *See* 28 U.S.C. § 1915(g).
- 6 2. The Clerk of Court is directed to **CLOSE** this case.

7
8 IT IS SO ORDERED.

9 Dated: **January 3, 2024**


UNITED STATES DISTRICT JUDGE